from last year's 130-year high. The lake naturally discharges into Stump Lake to the east at level 1447 feet, and into the Tolna Coulee and Sheyenne River at elevation 1459 feet.

Given the USGS conclusions that the wet conditions which have dominated the region since 1977 will continue for at least another decade, it is not unreasonable to assume the lake will rise to the breakout level of 1459 feet.

What happens then?

USGS research suggests a spill into the Sheyenne River would be catastrophic downstream. A discharge would erode sediments in the natural drainage pathways and dump up to 2 million acre feet of water into the river, or about four times the volume of the 1997 flood at Lisbon, N.D. That incredible flood of water would be in addition to normal flows in the Sheyenne.

Opponents of a Devils Lake outlet refuse to recognize the potential of a lake breakout. Like blissful Pollyannas, they don't believe the worst can happen.

It can. If wet conditions persist and nothing is done to control the lake's level, it will.

USGS also says a properly managed outlet would moderate the effects of a catastrophic natural lake breakout. An outlet might not prevent a natural spill into the Sheyenne, but USGS believes chances of a damaging spill would be reduced. Spill volumes and durations would be reduced, thus reducing downstream damage.

An outlet remains the best option for managing the lake's level and protecting downstream interests on the Sheyenne River. The USGS report is the latest evidence supporting an outlet.

Flood prevention is better than reacting to a disaster. The permanent flood at Devils Lake has caused more than its share of personal heartache and property damage. As the lake rises—it will—the potential for disaster will rise with it. Building an outlet now at least will put in place a tool to moderate the effects of the rising water.●

AMERICANS FAVOR DEATH-TAX REPEAL

● Mr. KYL. Mr. President, a number of Senators who opposed the Death Tax Elimination Act have spoken on the Senate floor in recent weeks, suggesting that only a few people care about the unfairness of the tax.

During the death-tax repeal debate back in July, one of the tax's proponents went so far as to question ''whose side are you on?'' if you favor repeal. I have no difficulty answering that at all. We are on the side of the American people.

A June 22–25 Gallup poll found that 60 percent of the people support repeal, even though about three-quarters of those supporters do not think they will ever have to pay a death tax themselves.

A poll conducted by Zogby International on July 6 found that, given a choice between a candidate who believes that a large estate left to heirs should be taxed at a rate of 50 percent for anything over $2 million, and a candidate who believes that the estate tax is unfair to heirs and should be eliminated, 75 percent of the people prefer the person supporting death-tax repeal.

Other polls similarly put support for repeal at between 70 and 80 percent.

Some issues are simply about fairness. It does not matter who benefits. Death-tax proponents just cannot seem to understand that, but the American people do.

The American people have an unwavering sense of fairness. They recognize that there is something terribly wrong when, despite having taxed someone for a lifetime, the federal government can come back one more time when a person dies and take more than half of whatever is left. That is not only unfair, it threatens the American dream.

That is why repeal scores high with the American people in public-opinion polls. It is why repeal is supported by a broad coalition of small business, minority, environmental, family, and seniors organizations. Among those groups are the U.S. Hispanic Chamber of Commerce, the National Indian Business Association, the National Black Chamber of Commerce, the American Farm Bureau Federation, and the National Federation of Independent Business, to name just a few.

Fairness, that is what the effort to repeal the death tax is all about.●

LOCAL RABBI SHEDS TEARS OF JOY

● Mr. ROBB. Mr. President, Rabbi Israel Zoberman, the leader of Congregation Beth Chaverim in Virginia Beach and President of the Hampton Roads Board of Rabbis, recently offered some inspirational comments on the selection of our colleague, Senator JOSEPH I. LIEBERMAN, as the Democratic Nominee for Vice President of the United States. I ask that Rabbi Zoberman's comments be printed in the RECORD.

[From the Virginian-Pilot, Aug. 28, 2000]

JEWISH CANDIDATE FOR VP: LOCAL RABBI SHEDS TEARS OF JOY

(By Rabbi Israel Zoberman)

The Jewish response to events tends to fluctuate from the extreme of elation, of mazal tov!, to the extreme of despair, of oy vey! It is no wonder since the Jewish condition poignantly reflects the tension between the two poles of the human experience; bringing about either a Messianic exaltation concerning sheer survival or a painful note acknowledging a harsh reality.

Former Secretary of State Henry Kissinger is quoted as saying in the past that when you give a Jew optimistic news he turns pessimistic. This exaggeration by the hitherto highest ranking Jewish American, a refugee from Nazi Germany, who lacks Senator Joseph Lieberman's proud religious attachment, is rooted in Jewish caution given the trying lessons of its historical experience. It was no surprise then that upon Senator Lieberman's nomination to the National Democratic ticket, there were those Jews who felt that the ever feared specter of anti-Semitism of pre-World War II days might rear its ugly head again. However, the hardcore anti-Semites on the very fringes of society, already assert that the Jews control the world.

There were those whose first impulse was to give thanks for the ''miracle'' of finally removing a remaining barrier carrying much symbolism. Since American Jews have already made it in our great land, it serves as a significant reminder that not all doors have been fully open. For most Jews, it probably was a mixed response, weighing all possible consequences to the historic act.

Who could remain neutral to Senator Lieberman's own genuine joy mingled with deep, though inclusive, religious expression, and his wife Hadassah's touching sharing of her family Holocaust background. I myself, son of survivors who spent his early childhood in a Displaced Persons Camp in Germany, was moved to tears witnessing a great American drama unfold, reaching a new high.

Indeed we have reason to rejoice in America moving closer to fulfilling its promise to all its citizens with renewed hope now that the highest offices in the land will be available to qualified minority candidates of all groups.

At this turning point, America has the curiosity and opportunity to learn more about the heritage of its fellow Jewish citizens, with its various spiritual movements, in the way that only this breakthrough event can provide. American Jews, at the same time, are poised to hopefully become more reassured about their own religious and ethnic affiliation in a country where their major challenge is not being rejected as Americans in this, our most hospitable home, but rather retaining their Jewish identity in face of unprecedented easy assimilation into the mainstream.

The possible reinvigoration of the political process because of the presently injected excitement, in spite of yet to be proved American response and maturation over the religious factor, is certainly a worthy plus. What our nation urgently needs is less apathy and more involvement by all in an environment with diminished interest in politics and an embarrassing low voting record, which ultimately are the dangers facing our democracy. Civil disagreement, too, on important issues ought to replace the evident cultural war which threatens to tear apart the precious pluralistic fabric of the enviable American quilt—with church and State separation the golden thread keeping it together.●

WILLIAM MAXWELL

● Mr. MOYNIHAN. Mr. President, William Maxwell has left us. As he once put it, an afternoon nap into eternity. Wilborn Hampton, in his wonderful obituary in The New York Times, ends with Bill wondering what he would do there where there was nothing to read!

His list of books ends with the Autobiographies of William Butler Yeats. It would be appropriate to add Yeats' account of a contemporary: ''He was blessed, and had the power to bless.''

He was surely such to this senior Senator. I was a ragamuffin of a lad some fifty–sixty years ago. He suggested to me that I might one day write for The New Yorker. I took the compliment with as much credence as if he had said I might one day play for the Yankees. But then, many years later, I did write for The New Yorker. He had the power to bless.

I ask that a copy of Wilborn Hampton's obituary from the August 1st edition of The New York Times be printed in the RECORD.

[From The New York Times Obituaries, Tues. Aug. 1, 2000]

WILLIAM MAXWELL, 91, AUTHOR AND LEGENDARY EDITOR, DIES

(By Wilborn Hampton)

William Maxwell, a small-town boy from Illinois who edited some of the century's literary lions in 40 years at The New Yorker while also writing novels and short stories that secured his own place in American letters, died yesterday at his home in Manhattan. He was 91.

John Updike, whose early stories for The New Yorker were edited by Mr. Maxwell, said in an interview several years ago: ''They don't make too many Bill Maxwells. A good editor is one who encourages a writer to write his best, and that was Bill.''

''A lot of nice touches in my stories belong to Bill Maxwell,'' Mr. Updike said. ''And I've taken credit for them all.''

In addition to Mr. Updike, Mr. Maxwell, in his career as a fiction editor at The New Yorker, worked with writers like John Cheever, John O'Hara, J.D. Salinger, Shirley Hazzard, Vladimir Nabokov, Mary McCarthy, Eudora Welty, Harold Brodkey, Mavis Gallant, Isaac Bashevis Singer and Frank O'Connor.

Polishing their manuscripts exerted an influence on his own writing, which included six novels, three collections of short stories, a memoir (''Ancestors,'' 1971), a volume of essays and fantasies for children. ''I came, as a result of being an editor, to look for whatever was unnecessary in my own writing,'' he said in a 1995 interview. ''After 40 years, what I came to care about most was not style, but the breath of life.''

William Keepers Maxwell Jr. was born in Lincoln, Ill., on August 16, 1908, one of three sons of William Keepers Maxwell, an insurance executive, and the former Eva Blossom Blinn. When he was 10, his mother died in the influenza epidemic of 1918–19, a shattering experience that he would revisit in ''They Came Like Swallows'' (1937), his second novel and the one that established him as a writer. His 14 years in Lincoln (sometimes called Draperville or Logan in his books), would provide, as Mr. Maxwell later put it, ''three-quarters of the material I would need for the rest of my writing life.''

Lincoln was a postcard Midwestern town with tree-shaded streets and a courthouse square where an annual carnival was held and people paraded on patriotic holidays. In 1992 Mr. Maxwell wrote a reminiscence (in ''Billy Dyer and Other Stories'') of the ''many marvels'' of Lincoln:

''No house, inside or out, was like any other house, and neither were the people who lived in them. Incandescent carbon lamps, suspended high over the intersections, lighted the way home. The streets were paved with brick, and elm trees met over them to provide a canopy of shade. There were hanging baskets of ferns and geraniums, sometimes with American flags, suspended from porch ceilings. The big beautiful white horses in the firehouse had to be exercised, and so on my way to school now and then I got to see the fire engine when nobody's house was on fire.''

After Mr. Maxwell's mother died, he went to live with an aunt and uncle in Bloomington, Ill., which, compared with Lincoln, was a metropolis and ''where something was always going on, even if it was only the cat having kittens.''

From his earliest years, he loved reading. As David Streitfeld put it in an article in The Washington Post, ''Maxwell requires printed matter the way other people need oxygen.'' Mr. Maxwell said ''Treasure Island'' was the first work of literature he ever read. ''At the last page, I turned back to the beginning,'' he said. ''I didn't stop until I had read it five times. I've been that way ever since.''

Mr. Maxwell's father eventually remarried and moved to Chicago, taking his family with him. Mr. Maxwell earned a bachelor's degree at the University of Illinois and a master's at Harvard and taught in Illinois for two years. As a youth he wanted to be a poet, but realized early that he did not have that gift and so started writing stories. He had published one novel, ''Bright Center of Heaven'' (1934), and had a second in his typewriter when he moved to New York with the $200 advance and applied for a job at The New Yorker.

There was a vacancy in the art department, and Mr. Maxwell was hired at $35 a week to fill it. ''I sat in on meetings and then told artists what changes were wanted,'' he said. He eventually moved to the fiction department, where he worked with Katharine White, with whom he formed a lifelong friendship, though one that was always circumscribed by their professional status. Long after both retired, they still wrote letters that began, ''Dear Mrs. White,'' and ''Dear Mr. Maxwell.''

One day during World War II he interviewed a young woman who had applied for a job as poetry editor at The New Yorker. The magazine did not have a separate poetry editor in those days, and Mr. Maxwell had been doubling in that capacity. ''She was very attractive,'' he would succinctly explain later, ''and I pursued the matter.''

The woman did not get the job, but on May 17, 1945. Emily Gilman Noyes and Mr. Maxwell were married. The couple had two daughters, Kate Maxwell and Brookie Maxwell, both of whom live in Manhattan. Mrs. Maxwell died on July 23, in Manhattan. Besides his daughters, Mr. Maxwell is survived by a grandson and a brother, Robert Blinn Maxwell, of Oxnard, Calif.

Mr. Maxwell's last book was ''All the Days and Nights,'' a collection of stories of fables. In a radio interview he said he began the book ''because my wife liked to have me tell her stories when we were in bed in the dark before falling asleep.''

As an editor, Mr. Maxwell was known for his tact in dealing with authors with reputations for being headstrong. He didn't always succeed. Brendan Gill wrote in his memoir, ''Here at The New Yorker,'' that Mr. Maxwell once took the train to Ossining, N.Y., to tell John Cheever that the magazine was rejecting one of his stories. Cheever became furious, not so much at the rejection, but that his courtly editor felt it necessary to come tell him in person.

On another occasion, Mr. Maxwell again boarded a train, this time to go read three new stories by John O'Hara in the presence of the author. It was a command performance and he was nervous. The first two stories he read were not acceptable to The New Yorker, and Mr. Maxwell started reading the third with trepidation. Fortunately, the third turned out to be ''Imagine Kissing Pete,'' one of O'Hara's best.

Some of Cheever's later stories caused consternation at The New Yorker because of the erotic content. When William Shawn, then the editor, objected to a reference to lust, ''I was beside myself,'' Mr. Maxwell said, ''It seems very old-fashioned now, but then it was unacceptable, and there was nothing I could do about it.''

When John Updike has his own editorial battles at The New Yorker, he said he always found an ally in Mr. Maxwell. ''There was always a lot of fiddling, and a lot of the fiddles came from Shawn. And Bill would assist me in ignoring them.''

Sometimes it was the editor who benefited from the advice of the writter. Mr. Maxwell has been working for eight years on a novel that was eventually titled ''The Chateau'' (1961), which he has set in France rather than in the familiar territory of the American Midwest. But it was not coming together. He showed the manuscript to Frank O'Connor, who read it and advised him that there were, in fact, two novels there. ''My relief was immense,'' Mr. Maxwell said, ''because it is a lot easier to make two novels into one than it is to make one out of nothing whatever. So I went ahead and finished the book.''

The letters of Frank O'Connor and Mr. Maxwell from 1945 to 1996, the year of O'Connor's death, were published in 1968 under the title ''The Happiness of Getting It Down Right.'' O'Connor, a prolific contributor to The New Yorker, revised endlessly, and after his death left 17 versions of one story that the magazine had eventually rejected.

Mr. Maxwell's lack of celebrity never disturbed him. ''Why should I let best-seller lists spoil a happy life?'' he said.

Among his novels are ''Time Will Darken It'' (1948) and ''So Long, See You Tomorrow'' (1980). His story collections included ''The Old Man at the Railroad Crossing and Other Tales'' (1966), ''Over by the River, and Other Stories'' (1977) and ''Billy Dyer and Other Stories'' (1992). A collection of essays was published as ''The Outermost Dream'' in 1989.

The 1995 Alfred A. Knopf published a collection of his stories under the title ''All the Days and Nights,'' and Mr. Maxwell gained some long overdue public recognition. Jonathan Yardley, writing in The Washington Post, said the volume showed that ''Maxwell has maintained not merely a high level of consistency but has, if anything, become over the years a deeper and more complex writer.''

His honors included the American Book Award, the Brandeis Creative Arts Medal and the William Dean Howells Medal of the American Academy of Arts and Letters. (He was elected to the academy in 1963.)

In March 1997 Mr. Maxwell wrote an article for The New York Times Magazine in which he talked about his life as a writer and the experiences of age:

''Out of the corner of my eye I see my 90th birthday approaching. I don't yet need a cane, but I have a feeling that my table manners have deteriorated. My posture is what you'd expect of someone addicted to sitting in front of a typewriter.

''Because I actively enjoy sleeping, dreams, the unexplainable dialogues that take place in my head as I am drifting off, all that, I tell myself that lying down to an afternoon nap that goes on and on through eternity is not something to be concerned about,'' he continued. ''What spoils this pleasant fancy is the recollection that when people are dead, they don't read books. This I find unbearable. No Tolstoy, no Chekhov, no Elizabeth Bowen, no Keats, no Rilke.

''Before I am ready to call it quits I would like to reread every book I have ever deeply enjoyed, beginning with Jane Austen and going through shelf after shelf of the bookcases, until I arrive at the 'Autobiographies' of William Butler Yeats.''●

EASTER SEALS OF SOUTHEASTERN MICHIGAN

● Mr. LEVIN. Mr. President, I rise to honor Easter Seals of Southeastern Michigan. On Saturday, September 9, 2000, Easter Seals of Southeastern Michigan will celebrate 80 years of service to the residents of Southeastern Michigan.

Since June 21, 1920, Easter Seals of Southeastern Michigan has been assisting individuals with disabilities and